

AKAMATSU *et al.*, SN 09/381,401
Amdt. dated 09/20/2004
Reply to OA mailed 06/18/2004

Dkt. 501.37459X00/219700031US1
Page 17

REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

PENDING CLAIMS

Claims 39-67 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 39-57 and 59-67 are now pending in the application for consideration and examination.

CLAIM OBJECTIONS OBVIATED VIA CLAIM AMENDMENT

Claims 52 and 67 were objected to because of the Office Action concerns listed at Item 2 on page 2 of the Office Action. As amendments have been made where appropriate in order to address each of the Office Action listed concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

REJECTIONS UNDER 35 USC §§102 AND 103 - TRAVERSED

All 35 USC rejections (*i.e.*, the 35 USC §102 rejection of Claims 39-41, 43-46, 52, 53, 55, 62 and 65 as being anticipated by Young *et al.* (US 5,353,121 A); the 35

AKAMATSU *et al.*, SN 09/381,401
Amdt. dated 09/20/2004
Reply to OA mailed 06/18/2004

Dkt. 501.37459X00/219700031US1
Page 18

USC §103 rejection of Claims 42, 47-49, 54, 56-59, 61, 66 and 67 as being unpatentable over Young *et al.* in view of Iijima *et al.* (US 5,760,698 A); the §103 rejection of Claims 50, 51 and 60 as being unpatentable over Young *et al.* in view of Iijima *et al.*, and further in view of Young (US 4,706,121 A); the §103 rejection of Claim 63 (as related to Claim 61) over Young *et al.* in view of Iijima *et al.*, and further in view of Kopetz (US 4,866,606 A); the §103 rejection of Claim 63 (as related to Claim 62) as being unpatentable over Young *et al.* in view of Kopetz; and the §103 rejection of Claim 64 as being unpatentable over Young *et al.* in view of Iijima, and further in view of van Steenbrugge (US 5,502,436 A)) are respectfully traversed. Unrelated to any prior art, scope or rejection, Claim 58 is cancelled herein (without prejudice or disclaimer), which has rendered the rejection of such claim and traversal arguments obsolete at this point in time. Based upon the following, reconsideration and withdrawal of the remaining rejections are respectfully requested.

All descriptions of Applicants disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed.

To reiterate, the requirements to support a rejection under 35 USC §102 as indicated in the decision of *In re Robertson*, 49 USPQ2d 1949 (Fed. Cir. 1999), require that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As set out in the decision *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988), the court points out that the

AKAMATSU *et al.*, SN 09/381,401
Amdt. dated 09/20/2004
Reply to OA mailed 06/18/2004

Dkt. 501.37459X00/219700031US1
Page 19

PTO has the burden under §103 to establish a *prima facie* case of obviousness, and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

However, the cited prior art does not adequately support either a §102 anticipation-type rejection or a §103 obviousness-type rejection because it does not, at minimum, disclose (or suggest) the following limitations of Applicant's clarified claims.

More particularly, the independent claims of Applicant's clarified claims all contain clarified features/limitations where a secondary AV apparatus performs operations (*e.g.*, storage of a requested apparatus use information) at a time when an operator inputs a timed reservation request. All of the applied art (each taken singly or in combination) fail to disclose or suggest such feature/limitations, *i.e.*, all such art teach forwarding or receipt of apparatus use information to/at a secondary apparatus when a time of a reserved operation arrives (*i.e.*, not when the operator inputs the original reservation request).

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

Basically, in Young *et al.*, a controller (CPU) has reservation information (record parameters), and controls a target (VCR) by record command at the schedule time.

AKAMATSU *et al.*, SN 09/381,401
Amdt. dated 09/20/2004
Reply to OA mailed 06/18/2004

Dkt. 501.37459X00/219700031US1
Page 20

However, in the present invention, both a primary AV apparatus and a secondary AV apparatus have data regarding timed reservation information at the time that the primary AV apparatus sets data regarding timed reservation information to be operated in cooperation with the secondary AV apparatus. Young *et al.* does not teach these features.

With regard to Claim 39, in Young *et al.*, a controller (CPU) has reservation information (record parameters), and issues record commands to a target (VCR), and control the VCR via an infrared remote driver or via a bus at the schedule time. Young *et al.* (Col. 19, lines 50-52) describes that bus 270 also carries VCR control commands for recording, playback, tuner selection and other functions, including power on/off.

However, in the present invention, an AV apparatus requests a secondary AV apparatus to store apparatus use information which constitutes at least a set of reservation data at the time that the AV apparatus sets reservation information.

With regard to Claim 40, in the present invention, an AV apparatus instructs that a secondary AV apparatus execute recording of video information or audio information during the desired time at the time that the AV apparatus sets reservation information. Young *et al.* does not teach such features.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support either a §102 anticipation-type rejection or a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §§102 and 103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

AKAMATSU *et al.*, SN 09/381,401
Amdt. dated 09/20/2004
Reply to OA mailed 06/18/2004

Dkt. 501.37459X00/219700031US1
Page 21

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

AKAMATSU *et al.*, SN 09/381,401
Amdt. dated 09/20/2004
Reply to OA mailed 06/18/2004

Dkt. 501.37459X00/219700031US1
Page 22

This Amendment is being filed within the shortened statutory period for response set by the 18 June 2004 Office Action, and therefore, no Petition or extension fee is required. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. No additional claims fees are required for entry of this paper. Please charge any actual required fee to ATS&K Deposit Account No. 01-2135 (as Case No. 501.37459X00).

Respectfully submitted,



Paul J. Skwierawski
Registration No. 32,173
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209-3801, USA
Telephone 703-312-6600
Facsimile 703-312-6666